UNITED
NATIONS

CCPR

International Covenant
on Civil and
Political Rights

Distr.
GENERAL

CCPR/C/SR.1252
27 June 1994

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Forty-eighth session

SUMMARY RECORD OF THE 1252nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 July 1993, at 10 a.m.

Chairman: Mr. ANDO

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued).

Second periodic report of the Islamic Republic of Iran (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-17546 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Islamic Republic of Iran (CCPR/C/28/Add.15) (continued)

1. At the invitation of the Chairman, the members of the delegation of the Islamic Republic of Iran took seats at the Committee table.

2. Mr. BRUNI CELLI drew attention to two positive aspects of the statement by the Iranian delegation, namely, that the Iranian authorities recognized the rights embodied in the Covenant and that the process of amending the law to bring it into line with the Covenant was under way. In that regard the cultural idiosyncrasies of a particular country must in no way detract from the universal value of the rights set out in the Covenant. The second cause for optimism was the publication of the Covenant, and it was to be hoped that the second periodic report (CCPR/C/28/Add.15) would also be published, together with the Committee's comments and observations. The Iranian delegation had also said that when it had returned home following the meetings at the forty-seventh session of the Committee at which the same periodic report had been considered, it had prepared a report which had been published with positive results. What were those positive results exactly?

3. He understood, from the remarks by the Iranian delegation, that all cases of capital punishment had been of a "judicial" nature in that they had corresponded to a court decision. However, the universal trend was towards abolition of the death penalty and he was very concerned that that sanction had been maintained in Iran, mostly in cases which did not meet the criteria set out in the Covenant. It must be admitted that it was not clear what information could be used on which to base an opinion in that regard. However, it would seem that the concurrent case was that of an individual in a State prison, tried by an Islamic revolutionary court without the assistance of a lawyer, sentenced following summary proceedings and executed. Such a situation was completely contrary to the provisions of the Covenant, in particular articles 6 and 14. It was not sufficient that there should be a judgement; a number of guarantees must also be met. He would like to know in particular whether, in the case of persons who had been executed, the principle of the presumption of innocence had been respected, whether the accused had had sufficient time to prepare his defence, whether he had been able to have the assistance of counsel of his own choosing and whether he had been able to produce defence witnesses. Generally speaking, most of the very numerous executions which had taken place in Iran had manifestly failed to meet the minimum criteria which would enable them to be regarded as being of a judicial character, in the true sense of the word, i.e. resulting from a judicial procedure consistent with the Covenant. Very often, trial and execution had taken place in the prison itself, the family had not been given advance notice and the accused had had no opportunity to obtain legal assistance or to appeal against the court's decision. The Working Party on Enforced or Involuntary Disappearances had transmitted to the Iranian Government information concerning 500 cases of disappearance. As was well known, disappearance was the phase preceding extrajudicial execution. The

Iranian authorities had made no comment on that information and he would be interested to hear what the Iranian delegation had to say on the subject.

4. Where the Baha'i community was concerned, the report prepared by Mr. Galindo Pohl, Special Rapporteur of the Commission on Human Rights, on the human rights situation in the Islamic Republic of Iran (E/CN.4/1993/41), reported numerous cases of torture and punishment inflicted on members of that community. In addition, 200 Baha'is had allegedly been executed and a number of others had disappeared. He would welcome information on the subject.

5. Mr. PRADO VALLEJO said that he too had noticed two positive aspects in the remarks by the Iranian delegation, namely, the publication of the Covenant and the organization of human rights training courses. He welcomed those measures, which constituted the best means of informing citizens of their rights.

6. However, he deplored the complete lack of progress in Iran in the implementation of the Covenant, in other words, the promotion and effective exercise of the rights set out in it. He was particularly struck by the situation regarding freedom of religion. He himself came from a Latin American country, Ecuador, most of whose inhabitants were Catholics; in Ecuador, however, the majority religion would never in any circumstances be used as a means of discrimination, and no one refused the minority religions the exercise of their legitimate rights. The report (CCPR/C/28/Add.15) stated that Islam was the official religion of Iran. Going back to the example of Latin America, he said that only a very few countries in that continent had an official religion. However, even when one existed, the law contained very clear provisions designed to prevent any discrimination against persons who did not profess the official religion. Iranian legislation should contain similar provisions. As things stood, what rights could be enjoyed by persons who were not of the Islamic faith? The only religious minorities which were recognized were Zorcastrian, Jewish and Christian Iranians. As he understood it, the other religious minorities had no rights, which would appear to constitute a flagrant violation of the provisions of the Covenant. He recalled that the General Comment concerning article 18 of the Covenant clearly embodied the right to freedom of thought, conscience and religion, implying a person's freedom to have his own beliefs. He would like to know the Iranian authorities' position in that regard and again strongly stressed the need to respect the rights of religious minorities.

7. With regard to freedom of expression, paragraph 204 of the report (CCPR/C/28/Add.15) stated that the press enjoyed freedom of expression, except when it was detrimental to the principles of Islam. That was a very important restriction; to go back to the example of his own country, he observed that if freedom of expression were to be restricted in Ecuador in the name of Catholic values, everyone would consider the situation intolerable. Since Iran was a party to the Covenant, article 2 of the Covenant imposed on it the obligation to adopt such legislative or other measures as might be necessary to give effect to the rights recognized in the Covenant. The restriction he had just mentioned, which was embodied in the Iranian Constitution, was completely contrary to the provisions of the Covenant. In view of that fact, what were the Iranian authorities going to do? Paragraph 204 also stated that the freedom of expression and dissemination of thoughts in the media must be

guaranteed in keeping with Islamic criteria and the best interests of the country. The notion of the "best interests of the country" could be variously interpreted depending on regimes, periods, etc., and could therefore be a source of arbitrary action and violations of the provisions of the Covenant. Did a citizen who considered that his freedom of expression had been restricted in the name of the best interests of the country have any remedy, and if so what was it?

8. With reference to freedom of assembly, the Iranian Constitution stipulated that parties and associations were recognized provided that they did not jeopardize the principle of national unity and the precepts of Islam in particular. That again was a restriction which was entirely incompatible with the Covenant. It was difficult to see in terms of what principle of national unity the authorities could restrict the right of assembly of their citizens. Had that provision been invoked to ban the formation of a political party, for example?

9. With reference to the Baha'is, it was obvious that they formed a religious minority which was apparently not recognized in Iran. In addition, they were subjected to almost constant repression. He would like to know what justification there was for that attitude on the part of the Iranian authorities. Did the Baha'is pose a problem in the practice of their religion? Were they subversive or violent?

10. Where the right of freedom of expression was concerned, he wished to associate himself with the questions of other Committee members concerning the case of Mr. Salman Rushdie. He had recently read an official statement by the Iranian authorities calling on Iranians to unite to kill the apostate Rushdie. An incitement of that nature constituted a flagrant violat n of the Covenant. Mr. Rushdie had not been tried by an independent, competent and impartial court, and he had not had the right to a fair trial. In those circumstances, could the authorities' statement really be considered to conform to the Covenant? If the Iranian delegation agreed that that was not the case, what did it intend to do, on its return to Iran, to advise the Government on that issue? Would the persecution to which Mr. Rushdie was being subjected cease? On 5 April 1992, an attack had been carried out on the headquarters of the Democratic Party of Iranian Kurdistan. That aggression also constituted a flagrant violation of the Covenant. Had an investigation been initiated and what had been the result? He also referred to a public statement by the Minister of the Interior on 30 August 1992 to the effect that State bodies had been infiltrated by dissident political groups, but that the latter had been put out of action. How could such a measure be in conformity with the Covenant, and in those circumstances how could freedom of assembly and the right to exercise political rights be ensured?

11. He understood that in Iran persons who had been sentenced for an offence could by law be deprived of their social rights. He would like to know what rights were involved and for how long. Had that measure been applied recently and how often? He would welcome statistics and specific information on the subject.

12. With reference to the situation of the Baha'i community, he had noted that in paragraph 5 of the final comments of the Committee on Economic, Social

and Cultural Rights concerning Iran (E/C.12/1993/7) the Iranian authorities had not satisfactorily answered a number of questions concerning the situation of minority groups, particularly the Baha'is. They were subjected to flagrant discrimination, particularly in the sphere of higher education.

13. Lastly, the situation of women seemed to be extremely difficult in Iran; they were victims of many forms of discrimination and, in particular, were not allowed to study a large number of subjects at university. He would like to hear the explanations of the Iranian delegation on all those aspects of a situation which revealed violations of the provisions of the Covenant, aspects to which other United Nations bodies had already drawn the attention of the international community.

14. Mrs. EVATT pointed out that, under article 18 of the Covenant, every person had the right to adopt a belief of his choice, whether or not others regarded it as a religion. The Iranian authorities did not recognize the Baha'i faith as a religion, but that did not absolve them from granting its followers the guarantees and protection to which they were entitled. In addition, the Iranian authorities had admitted that the Baha'i community had for several years been the victim of acts of violence, in particular the destruction of its holy places. Had the police attempted to prevent such acts, and had proceedings been initiated against the perpetrators of those acts, which were generally attributed to the authorities themselves? Had the police intervened to prevent stone-throwing, for example? She would also like to know whether it was contrary to Iranian law to disinter bodies in cemeteries. If that were the case, had the authorities tried to prevent such acts and to arrest persons who had disinterred bodies from Baha'i tombs in some cemeteries?

15. With reference to the implementation of article 19 of the Covenant, she understood that the law took precedence over fatwahs in criminal proceedings. She associated herself with the concern expressed by Mr. Prado Vallejo about the provisions of the Press Law and the Constitution as compared with those of the Covenant. In any event, the Iranian Constitution provided that press offences should be heard in a public trial. In those circumstances, was it the case that the Press Law took precedence over the fatwah under which Mr. Rushdie had been declared guilty of apostasy? Was that fatwah therefore contrary to the law? Should it also be understood that offences relating to publications, like that of which Mr. Rushdie was accused, were governed by the law in force? In the light of all those points, the arbitrary execution of Mr. Rushdie would constitute a flagrant violation of several articles of the Covenant.

16. With reference to article 21 of the Covenant, did the Iranian authorities guarantee the right of peaceful assembly, and in particular had they taken steps to ensure that women enjoyed that right? Women were subjected to various forms of violence, and in particular harassment regarding their dress. Did the Iranian authorities consider such harassment to be a violation of the right of freedom of movement and freedom of assembly of Iranian women? Did Iranian women have the right to choose freely how they dressed as long as they complied with the law?

17. With regard to freedom of association as provided for in article 22 of the Covenant, she associated herself with the points and questions raised by Mr. Prado Vallejo. She would also like to know what precise criteria restricted freedom of association, and how the restrictive measures were implemented. Specifically, was it true that the Baha'is could not belong to trade unions and cooperatives? It also seemed that the establishment of Baha'i institutions had been forbidden under the law on associations. She would like to have that information confirmed and stressed that such a measure would yet again be completely contrary to the provisions of the Covenant.

18. Lastly, the Iranian authorities had said that under the law, Baha'is could not hold government posts. What was the law in question and how was it compatible with the Covenant?

19. Mr. FODOR said he wished to stress the fundamental point that all individuals had the right to enjoy freedom of thought and conscience in any country. As to Iran, it recognized Islam, the official religion, and certain Islamic schools; from that he gained the impression that no other religion was recognized. Furthermore, the Constitution referred to the rights to be enjoyed by members of religious minorities other than those recognized, but the nature of those rights was not very clear. They apparently did not include the right to freedom of religion for persons who were not followers of the official religion or a recognized minority religion. Was that interpretation correct? That said, the report of the Islamic Republic of Iran (CCPR/C/28/Add.15) contained no information on the practical implementation of article 18 of the Covenant. He would like to know in particular whether every individual was free to adopt the religion or belief of his choice, and what possible restrictions on that freedom were provided for in Iranian law? Lastly, could parents freely choose the religious teaching received by their children?

20. Referring to the statement in the report about freedom of the press and trials concerning political and press offences, namely that "the manner of the selection of the jury, its powers, and the definition of political offence, will be determined by the law in accordance with Islamic criteria" (para. 204), he asked what those criteria were in that context. Were the members of the jury required to profess the official religion of Islam, or was something else involved? The same question arose concerning freedom of expression and dissemination of ideas on radio and television, which must be guaranteed in keeping with Islamic criteria (para. 204 of the report). Who decided whether those criteria had been respected or not, and what level of knowledge was needed for that purpose? Was there prior censorship of radio and television programmes?

21. Paragraph 205 of the report dealt with the Press Law, which concerned, in particular, the issuing of a publication licence and press offences. He would like to know what restrictions were imposed on freedom of the press, what were the various stages prior to the issuing of a licence, and what were press offences. Where political activity was concerned, he regretted that only a small number of political groups were permitted to take part. He would like to know why those groups were so few in number and whether that was compatible with the Covenant.

22. Turning to article 27 of the Covenant and the rights of minorities, he observed that there were not only religious minorities but also ethnic, linguistic and other minorities; the report did not mention them, however. Secondly, the existence of minorities did not depend on whether the State party recognized them or not; minorities existed, whether or not they were recognized as such by the State. According to the report and the Iranian delegation, all individuals had equal rights in Iran, regardless of the religious minority to which they belonged. Even if that provision constituted a valid response in respect of the implementation of article 26 of the Covenant, where article 27 was concerned the important point was to know whether, given the disadvantaged status of certain minority groups, the State party was prepared to take specific measures to protect the rights of such groups as recognized in article 27.

23. Mrs. HIGGINS said she wished to comment and ask questions on articles 18, 19, 20 and 25 of the Covenant. Referring to article 18, she noted that the Iranian Constitution granted privileges to the three so-called religions of the Book (para. 5 of the report) and observed that, from the Committee's point of view, freedom of religion was not a privilege but a right, inherent in every individual, to hold and practise a belief or to refuse to do so. It was not incumbent on the State to grant that right, since it devolved on the individual, and it was not incumbent on the State to decide what religions were to be respected or which were the true religions.

24. Her sources of information, which included the report of Mr. Galindo Pohl, Special Rapporteur of the Commission on Human Rights (E/CN.4/1993/41), all led her to the same conclusion: that where religious freedom was concerned, the Baha'is were targeted in particular by measures taken against them in the name of the Penal Code, as if the fact of being a follower of the Baha'i faith was a criminal act. The Iranian representative had, however, stated that each religion could comprise its own beliefs and that no one would be prosecuted except for acts contrary to the law. However, if the very fact of having a certain belief was contrary to the law, or religious law, how could that be compatible with the Covenant? A circular of the Supreme Council of the Revolution set out the major characteristics of the policy implemented by the Iranian Administration vis-à-vis the Baha'is: they were denied the right to practise their religion and were prosecuted on account of their beliefs; they were refused the right to exercise their civil and political rights; they could enrol their children in school only if they did not declare their religion; they were required to be expelled from university if discovered and, according to the circular, a plan was to be prepared to destroy their cultural roots outside the country. A Baha'i applying for a job would be rejected if he stated his religion. Obviously, all that was contrary to the Covenant.

25. On article 19 of the Covenant and the right to freedom of expression, she again referred to the case of Salman Rushdie, which had been raised at the previous session in the context of the right to life. It was true that article 19, paragraph 3, provided that the right to freedom of expression was liable to certain restrictions, but only such as were expressly provided for by law and were necessary for respect for the rights or reputation of others. Such restrictions, however, were authorized and not mandatory restrictions. The only obligations concerning restriction of freedom of expression were set

out in article 20. Moreover, it was incumbent on each country, individually, to decide whether to apply the restrictions authorized by article 19. If Iran considered that Mr. Rushdie's book should be banned, and that it should be banned in the context of the restrictions provided for in article 18 under freedom of religion, it should undertake legal proceedings to secure such a ban. To have ordered the death of the author of the book was unacceptable.

26. Those considerations prompted her to speak about the links between the fatwah and what could be called the normal legal order in Iran. The Iranian delegation itself had stressed that the divine decree or fatwah was neither a judicial decision nor a measure intended to fill a gap in legislation, but that the whole matter had occurred in the religious context, which was a way of enabling the Iranian authorities to distance themselves from the affair. The question which then arose was where the responsibility of the State lay and who would answer the Committee's questions on behalf of Iran in that affair? Could the State party really dissociate itself from the whole question?

27. It was true that the Rushdie affair was just one example of a general attitude on the part of the Iranian authorities vis-à-vis freedom of opinion and expression, and that one should not lose sight of the difficulties experienced by those living in the country, where fear also led to a certain amount of censorship and where a terror of being declared an apostate certainly existed, since that entailed the loss of all rights. On the subject of freedom of expression, she wondered whether it was necessary to declare typewriters, photocopiers, fax machines and radio sets to the authorities, and, if so, whether that was compatible with the provisions of the Covenant?

28. She went on to comment on the subject of articles 22 and 25, referring in particular to what the Iranian representative had said about article 16 of the act relating to the activities of political parties. He had said that parties as normally understood in the West existed in Iran, but political activity was only permitted subject to certain restrictions, which covered contacts with foreign ambassadors and defamatory statements against the State. In her opinion, those two restrictions in particular were not justified in the light of the Covenant.

29. Mr. WENNERGREN associated himself with the remarks made by the other members of the Committee on the fate of the Baha'is in Iran. He wished to refer to religious freedom in connection with paragraph 198 of the report, which stated that the Government of the Islamic Republic of Iran and Muslims were duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect the fundamental human rights of all those who refrained from engaging in conspiracy or activities against Islam and the Islamic Republic of Iran. He noted that human rights were mentioned after the principles of justice and equity.

30. In the same context, he noted in paragraph 200 that prisoners who were adherents of an official religion had the rights associated with freedom of religion for performing their religious duties. Assuming that the three so-called religions of the Book recognized in Iran received the same treatment as the official religions, he concluded that a Hindu prisoner, for example, would not be permitted to perform his religious duties while imprisoned in his

cell. Article 18, paragraph 3, of the Covenant admittedly authorized limitations of the freedom to express one's religion when they were necessary to protect public safety, order and health, or the morals or fundamental rights and freedoms of others. Could a prisoner really be a threat to public health, security or morals when he was performing his religious duties in his cell? What reasons lay behind the restrictions on that right?

31. He would like additional information on the subject of the restrictions imposed on certain Christians and on Zoroastrians in 1992. What reasons had given rise to the prohibition of an Iranian Bible Society and how was that prohibition compatible with article 18 of the Covenant?

32. It seemed that the implementation of the Covenant was causing problems for Iran, which very frequently invoked the argument that the Covenant was in conflict with the precepts of Islam. It would be interesting to know what precepts of Islamic law were in conflict with the Covenant. Very recently, at the World Conference on Human Rights in Vienna, the Organization of the Islamic Conference had submitted a document entitled "Cairo Declaration on Human Rights in Islam". That Declaration did not set forth freedom of religion. Indeed, according to its article 10, it was forbidden to exercise any constraint on the individual or exploit his poverty or ignorance in order to convert him to another religion or to atheism, and according to article 22, every individual had the right freely to express his opinions in a manner which was not at variance with the principles of the shariah. That article imposed considerable restriction on freedom of expression. According to article 24, all the rights and freedoms set out in the Declaration were subject to the Islamic shariah. In other words, shariah was the supreme standard, and took precedence over all international treaties or instruments, and even over the Iranian Constitution.

33. The predominance of the shariah must cause problems for a State party which had signed and ratified the Covenant without entering any reservation, as was the case with Iran. In fact, the impression given by the Iranian delegation was that the State party actually had mental reservations about the implementation of the Covenant, since it seemed to find it normal to impose restrictions or to fail to enforce certain rights if the shariah so required. He would like to know whether Iran supported the Cairo Declaration on Human Rights in Islam, which imposed considerable restrictions vis-à-vis the Covenant. In any case, it would be materially impossible for a State party which gave priority to the principles set out in the Cairo Declaration to implement the Covenant to the full.

34. Mr. FRANCIS said he wished to speak about the rights set out in articles 18 and 19 of the Covenant, with particular reference to the fate of the Baha'is. In signing and ratifying the Covenant without reservation, Iran had bound itself to comply with its provisions. The case of a man arrested on 17 March 1992 and executed in prison next day clearly illustrated the absence of any guarantee of a fair trial for the Baha'is in Iran. The fact that they lost their jobs, and the allegations of profanation of Baha'i cemeteries, if they were true, showed that the Iranian State and the Baha'i community urgently needed to find means of coming to terms. For his part, he hoped that, when they returned to their country, the members of the Iranian delegation would be able to use their good offices in order to persuade the

Iranian authorities to conform to the principles set out in articles 18 and 19 of the Covenant, in the interests of the Islamic Republic of Iran itself.

35. Ms. CHANET thanked the Iranian delegation for replying to the questions she had asked at the spring session. She associated herself with the questions asked by other members of the Committee as to whether the treatment of Salman Rushdie was compatible with article 18 of the Covenant, and whether the way the Baha'is were treated was also compatible with that article. She had a final question which also concerned freedom of religion and expression. According to reports from humanitarian organizations in the field, Iranian Kurdish villages situated in the zone near the Iraqi frontier had allegedly been bombed and seven people killed. Could the Iranian delegation give some information on those events, which had received wide press-agency coverage?

36. Mr. SADI stressed that dialogue with the Islamic Republic of Iran sometimes gave the impression that it was Islam itself which was under review. The elaboration of the Covenant had taken place with the direct support and participation of the Islamic world. He was accordingly among those who categorically rejected any argument that there was an inherent contradiction between Islam and the Covenant.

37. The paragraphs of the report concerning articles 18 to 20 of the Covenant constantly referred to "Islamic criteria", a concept which was open to all kinds of interpretations. One of the essential principles of Islam was the need to continue to interpret its precepts, and no one on the Committee was sufficiently enlightened on that score to be able to do so. And so at least the Iranian interpretation of those criteria needed to be known. Paragraph 204 of the report, for example, stated with reference to the trial of press offences, that "the manner of the selection of the jury, its powers ... will be determined by law in accordance with Islamic criteria", without specifying the nature and content of the law.

38. In conclusion, he stressed once again that Islam was a tolerant, progressive and enlightened religion, which encouraged true democracy.

39. Mr. MEHRPOUR (Islamic Republic of Iran) thanked the members of the Committee for the attention they had given to the report and his explanations. He would group the questions, which all more or less concerned the same subjects. First of all, he noted with regret that it was obviously difficult to convey a precise message, because of interpretation or perhaps differences in ways of expressing matters. When he had heard certain questions and comments and the examples cited to illustrate exceptions, he had realized that he actually shared the viewpoint of the members, which showed that he had not been successful in conveying what he had really wanted to say.

40. Where freedom of religion was concerned, several members had expressed surprise that there were only three recognized religions. Of course, the practice of a religion was a matter of free choice on the part of the individual and no person could force another person to accept a particular faith; conversely, no one could be punished because of his religion or subjected to torture for that reason. Those principles were guaranteed in the Constitution and applied irrespective of the religion concerned. The writings of the prophets gave guidance and advice, but they could not be imposed on

anyone. Where the recognition of a religion was concerned, it was not for Governments to decree that a particular religion was the right one and another was not. The three religions recognized in Iran (Zoroastrianism, Judaism and Christianity) were expressly mentioned in the Koran, and that was why they were "recognized". The Iranian Government was not required to recognize others. The important point was to know what were the effects of the recognition or non-recognition of a religion for its followers. In the Islamic Republic of Iran no distinction was made between the recognized religions and others, and the rights of all individuals to pray and worship were respected. The consequences of recognition, which some might call "concessions" or "privileges", were simply that, in matters of personal status and inheritance, marriage and divorce, the social rules of the religion professed by the individual were applicable; in the event of conflict, Iranian judges referred to the relevant codes or sought the opinion of the leaders of the religion in question.

41. Specifically with regard to ceremonies, the State made no distinctions, and never intervened. The only restriction, which was perfectly compatible with article 18, paragraph 3, of the Covenant, concerned the risk of a breach of public order or morals. His delegation had been surprised to hear that Christian and Zoroastrian ceremonies were prohibited in the Islamic Republic of Iran. Not only was that untrue, but religious events and ceremonies were televised. Freedom with regard to ceremonies and worship had been amply demonstrated by an article which had appeared in La Suisse on 11 July 1993, in which the author reported that he had taken part in Zoroastrian festivities in the old town of Yaz. The ceremonies of the Baha'is were perhaps not televised, but in their own communities they were able to practise their rites in complete freedom. The situation of the Baha'is in other respects was somewhat special since in the past that community had had possessions in the Islamic Republic of Iran. The Baha'i centre was now in Israel. The only problems encountered related to public order since, because of the sensitivity of the population, there could be some difficulties, provision for which was however made in the context of the limitations permitted by article 18, paragraph 3, of the Covenant.

42. All members of all religions were subject to the law. Any individual who committed an offence, whether he was a Muslim, a Baha'i or of any other faith, was liable to the law and punishable accordingly.

43. Where the press was concerned, one member of the Committee had considered that the Ministry of Islamic Guidance (see para. 206 of the report) had improperly interfered in the formation of the jury called upon to hear press offences. Under article 24 of the Constitution and article 3 of the Press Law, every individual was free to make his opinions known in writing. The authorities were forbidden to impede the publication of any written text or impose censorship. However, fully in accordance with the Covenant, certain restrictions existed, as had already been mentioned. The group responsible for considering applications for a publication permit comprised a judge of the Supreme Court who must have held office for more than 30 years, a representative of the Ministry of Islamic Guidance, a representative of

Parliament selected by Parliament itself, a university professor and a newspaper editor selected by his peers. The decisions were taken by absolute majority and the fact that only one representative of the Ministry of Islamic Guidance was present proved that the Government did not interfere. The jury set up to judge press offences comprised seven members and seven alternates from various sectors of society. The Ministry of Islamic Guidance restricted itself to inviting eligible jurors to a meeting in which the president of the court of each province took part; once appointed, the jurors took part in all trials concerning press offences and determined whether or not the Press Law had been infringed.

44. With reference to the conviction of a cartoonist who had depicted the Ayatollah Khomeini as a footballer, it should be understood that that had constituted an outrage which had caused feelings to run high in Iranian society. Caricaturing a political personality could not be compared with insulting a religious dignitary; for Iranians, the outrage had been intolerable. The cartoonist had been duly tried for an offence under the Press Law and had received a prison sentence, albeit a short one. The editor-in-chief of the newspaper concerned had been acquitted. Under the Press Law, an offence had been committed and the law had been applied in accordance with the principles of democracy and freedom.

45. With reference to the freedoms of opinion and expression, it should be stressed that the Islamic Republic of Iran conformed strictly to the provisions of article 19, paragraph 3, of the Covenant, whereby the exercise of those freedoms was subject to certain restrictions necessary "for respect of the rights or reputations of others" and "for the protection of national security or of public order (ordre public), or of public health or morals". Similarly, the provisions of the Iranian Constitution conformed fully to those of article 20 of the Covenant with reference to "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". The Islamic decrees thus imposed restrictions on the exercise of those freedoms only in the interests of maintaining social cohesion. The Salman Rushdie affair, which had assumed worldwide proportions, had been mentioned frequently by members of the Committee, and the Iranian delegation had done everything in its power to give the necessary clarification, particularly at the Committee's forty-seventh session. It was necessary only to recall once again that, according to article 2, paragraph 2, of the Covenant, each State party undertook to take the necessary steps, "in accordance with its constitutional processes", to give effect to the rights recognized in the Covenant, while, according to article 40 of the Covenant, the Committee was required to study the reports submitted by States parties. It therefore appeared quite clear that the Committee should restrict itself to considering the reports of State parties and that a matter like the Salman Rushdie affair and the Islamic decree concerning him as an Iranian national issued by the Iranian authorities certainly did not come within its competence. It should, however, be made clear that Salman Rushdie had manifestly exceeded the bounds of freedom of expression as conceived by the Islamic order and Muslim society.

46. Mr. Bruni Celli had asked whether the Iranian courts had really fulfilled their responsibilities in terms of compliance with the rule of law. He (Mr. Mehrpour) said that all Iranian judicial bodies endeavoured to ensure that the accused enjoyed all guarantees relating to the rights of defence, namely, the right to be represented by counsel and the right to appeal against an unfavourable judgement. It was nevertheless possible that, as in any other country, there had been a few irregularities, but it would be unfair to draw general conclusions on the basis of a few isolated cases or to make use of information which was not necessarily accurate. Very precise figures existed on the administration of justice in the Islamic Republic of Iran; over the past two years, out of 30,453 cases of appeal to the Supreme Court in Tehran, 10,470 judgements had been rescinded.

47. With reference to freedom of association, assembly and peaceful demonstration, the restrictions imposed by the Iranian Constitution and legislation were in all respects similar to those provided for in article 21 of the Covenant.

48. With reference to the question raised by Mrs. Evatt about cemeteries where Baha'is were buried, he said that the authorities of the municipality of Tehran had reported that the purpose of the measures taken had been not to destroy graves, but to create green spaces in the vicinity, as was customary in all cemeteries.

49. Women enjoyed complete freedom of association and participation in the social and cultural life of the country. A number of legal instruments had been amended so as to improve the situation of Iranian woman. In particular, the law on divorce had been amended, so that henceforth divorce was not granted simply at the husband's request, but as the result of a court decision following properly conducted proceedings. An office of women's affairs had also been set up to advise the Office of the President on questions concerning women, and research and studies had been undertaken with a view to the submission to Parliament of a bill providing for a number of measures to promote the situation of women.

50. With reference to the question of minorities raised by Mr. Fodor, it should be stressed that in the Islamic Republic of Iran the notion of an ethnic, religious or linguistic minority was not considered in the same light as in most Western countries. The Iranian Constitution and law made no distinction on the basis of national origin or religious affiliation among the population groups which made up the Iranian nation, groups which in full equality enjoyed the recognized rights of all individuals living on the nation's territory. However, members of "minorities", such as the Turks or the Kurds, were entirely free to speak their own language and to publish their own newspapers, for example. In practice, a large number of senior posts were occupied by persons of Turkish or Kurdish origin, and all citizens, regardless of their origin, had the same rights and obligations. In that respect, the violence which certain persons of Kurdish origin had allegedly suffered, in the circumstances alluded to by Ms. Chanet, was in no way the responsibility of the Iranian Government, but was probably due to the hostilities pursued by Turkey or Iraq.

51. Mr. Wennergren had asked how non-Muslim prisoners were treated. Prison regulations provided that all prisoners were free to practise the rites of the religion to which they belonged, either individually or collectively. In that respect, no discrimination on grounds of religion was practised against prisoners. Lastly, in accordance with the national Constitution and Islamic law, magistrates were required to be Iranian citizens and were appointed in the light of their professional competence, their integrity and their fidelity to the precepts of Islam.

52. The CHAIRMAN thanked the Iranian delegation for a first series of replies to most of the questions put by members of the Committee.

The meeting rose at 1.05 p.m.